

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WISCONSIN

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FREDDIE NASH,

Petitioner,

v.

Case No. 07-C-1083

MICHAEL THURMER,

Respondent.

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**ORDER**

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On December 3, 2007, Freddie Nash filed this petition pursuant to 28 U.S.C. § 2254, asserting that his state court conviction and sentence were imposed in violation of the Constitution. Petitioner was convicted of first-degree reckless homicide and possession of a firearm by a felon. He pled guilty and received a statutory maximum sentence of 47 years' imprisonment.

I stayed his petition because the petition indicated that all of his claims had not been exhausted. Petitioner has recently informed the Court that his claims are now exhausted, and a review of public records indicates that the state court of appeals issued a decision in March 2011 and the state supreme court denied review.

Unfortunately, it is not yet clear that all of petitioner's issues have actually been exhausted. In 2006 the court of appeals addressed two of his claims, which alleged ineffective assistance and an excessive sentence. These two claims have been exhausted, as the original petition recognized. The most recent state court decision addresses a single claim involving the plea colloquy. That claim now appears to be exhausted. But the present petition also alleges *four* other claims for

ineffective assistance of counsel, all asserting that petitioner's trial counsel failed to conduct adequate investigations. These claims do not appear to have been presented to the state courts. Accordingly, petitioner is directed to inform this Court, within 30 days: (1) whether these four ineffective assistance claims were ever presented to the state courts; and (2) if they have *not* been exhausted, whether he wishes to abandon them and proceed to have his three exhausted claims considered by this Court.

**SO ORDERED** this 8th day of August, 2011.

s/ William C. Griesbach  
William C. Griesbach  
United States District Judge